I would like to draw the attention of the Government towards neglect of Tamil Nadu by the Railways. Many projects of railways have been pending for long for reasons unknown.

Though the Rajdhani Express was introduced between Delhi and Madras reluctantly by the Railways, it does not solve the problems of the commuters going to Madras, because it runs only once in a week unlike other Rajdhani Express trains to Bombay and Calcutta which run daily.

Since Madras is also one of the four major metropolitan cities in India, the Railways should immediately run the the Rajdhani Express to Madras on a daily basis.

The Government should not resort to showing flimsy reasons to avoid doing this. So, I urge upon the Government to fulfil this genuine demand of the people of Tamil Nadu. Not only this, the passengers proceeding to other States from Tamil Nadu have to face a lot of difficulties for boarding trains at Madras Central. People coming from Kanyakumari, Tirunelveli, Nellai Kottambomman and Madurai, Tiruchi and southern districts have to reach Madras Egmore and wait at Madras Central for many hours to take connecting trains to places likely Bombay, Calcutta, Delhi and other major cities in the North. Therefore, the Railways should re-schedule the timings of the trains leaving Madras Central to Northern cities so as to enable the people of Tamil Nadu to proceed without a long wait.

There are several overbridge projects pending in Tamil Nadu for many years. In my native district Madurai, proposals to construct two overbridges on both sides of Madurai junction were taken up by the State Government with the Railways. The Tamil Nadu Government has offered its share and assistance in construction. One bridge near Madura Coats Mill should be constructed newly without further delay.

The other existing overbridge near "Thinathanthi" press is narrow and zigzag. This bridge has to be widened and constructed straight across the road enabling easy passage since it is a crowded area with a lot of traffic.

The mass rapid transit system between Madras Beach and Tiruvanmiyur has not been completed because of poor allocation of funds. Our hon. Chief Minister has taken up the matter with the Centre a number of times for early completion of the project. But it is regrettable that the Railways have not even taken necessary steps to build stations between Madras Beach and Luz where laying of lines has taken place. I appeal to the Government to allocate sufficient funds so that this project is completed at the earliest. I hope the Railways will give up its attitude of partiality and take immediate steps to execute all the pending schemes in Tamil Nadu.

Thank you, Madam.

SHRI PASUMPON THA. KIRUTTINAN (Tamil Nadu). Madam, I associate myself with the hon. Member.

THE DEPUTY CHAIRMAN: Now we have got five minutes. We can get the motion for the Extradition (Amendment) Bill, 1993 moved and then we will take up the discussion after lunch.

श्रीमति सुषमा स्वराज (हरियाणा) : एक मसला उठाना था, पांच मिनट में।

उपसभापति : अभी पांच मिनट में यह हो जाएगा, मसला हम कल उठा देंगे।

The Extradition (Amendment) Bill, 1993

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R.L. BHATIA): Madam, I beg to move:

"That the Bill further to amend the Extradition Act, 1962 be taken into consideration."

Madam Deputy Chairperson the law of extradition of India is contained in the Extradition Act, 1962. This provides the necessary legal framework to conclude treaties or arrangements with Common-

[Sh. R. L. Bhatia]

wealth countries and other foreign States; and to process requests for extradition from States with which we have such treaties or arrangements at present.

Over the years, given the concern we and the international community have to deal with terrorism and other international crimes like hijacking, hostage-taking, offences against protected persons, and illicit trafficking in narcotic drugs and the growing number of international and regional Conventions, the law and practice concerning extradition is steadily changing. India is a party to several of these international Conventions, and has also concluded recently an extradition treaty with the UK. We also contemplate concluding treaties in future with other countries, some of which may have legal systems different from ours. For example, as hon. Members are aware, we adopt the Common Law appproach similar to the UK, the USA and other Commonwealth States. States like France, Germany and others adopt a Civil Law approach.

The amendments proposed to the Extradition Act, which I am urging this House at this time to consider and pass, are aimed at enlarging the legislative basis and framework of our extradition law to enable us to fully and effectively implement the treaties we concluded recently and may conclude in future even with countries adopting different legal systems. These amendments would also enable us to implement obligations we undertake as a party to international and regional Conventions.

Madam, I commend the Bill for the consideration of the House.

The question was proposed.

THE DEPUTY CHAIRMAN: We shall take up the discussion after lunch hour. The House is adjourned for lunch till 2.30 p.m.

The House then adjourned for lunch at twenty-nine minutes past one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock, **The Vice-Chairman (Shrimati Sushma Swaraj), in the Chair.**

THE EXTRADITION (AMENDMENT) BILL, 1993—Contd.

SHRI RAM RATAN RAM (Uttar Pradesh): The Extradition (Amendment) Bill, 1993 is meant to amend the Extradition Act, 1962 in accordance with the changing pattern in the present global political scenario. It appears that the 1962 Act makes a distinction between "Commonwealth countries" and "foreign states" and considers only foreign states as treaty states. Extradition with the Commonwealth countries was separately governed by the Second Schedule of the Act, and the Central Government was given the powers to conclude special extradition treaties or arrangements with respect to the Commonwealth countries as expressed in Chapter III of the Act. In this way, the Government was having a dual policy on extradition between the Commonwealth countries and the non-Commonwealth countries, but this dual policy was not holding good with the fast changing political scenes in the world. Therefore, in the amendment Bill all the Commonwealth words have either been replaced by the 'foreign States' or are completely omitted. Moreover, India had concluded an extradition treaty with Canada and very recently with U.K. From a perusal of the Bill it appears that where there is no extradition treaty with any Government, Section 5(4) authorises the Government to treat any convention to which India and foreign States are parties as an extradition treaty made by India with that foreign State providing for extradition in respect of the offences specified in that convention.

The most important extradition treaty is the treaty which has been made with the Government of Great Britain. This treaty was ratified at a time when the President of India was being honoured at the Cambridge University and as a gesture of goodwill the British Parliament had ratified this treaty when a 'no-confidence motion' was hotly being discussed in the British Parliament. This treaty with the United Kingdom is a singular treaty, as it has been agreed upon to confiscate the property or assets of those persons who are involved in terrorist activities or drug trafficking. The agreement

for confiscation of terrorist funds is the first of its kind in the world where two countries act togeher on the subject of terrorist and drug trafficking. India is the first country with which Britain has entered into such an agreement.

Most of the terrorists have taken shelter in UK and Canada and this treaty will go a long way in putting a check on the terrorist activities in the world. The recent bomb blasts in Bombay and Madras and at other places are the cruel acts of the terrorists. The perpetrators of such crimes have fled the countries and have taken asylum in other countries. Efforts should be made to bring back these criminals and award them deterrent punishment.

With these words I support the Bill. I thank the Minister for bringing this Bill. I also thank the Deputy Chairman for providing me this oppportunity to express my opinion.

SHRI V. NARAYANASAMY (Pondicherry): The purpose of this Bill is to give wider scope for entering into extradition treaty with other foreign countries which are not covered by the Commonwealth Treaty. Apart from that for extra-territorial jurisdiction about foreigners for crimes committed by them outside India, the Government would make a request for the arrest of fugitive offenders; it also excludes political offences as a defence in such matters. Though the amendment is very small, the implication of it is very good for the simple reason that hitherto India was negotiating with Commonwealth countries for the purpose of extradition of the offenders who have committed offences in India and escaped to another country. Now "any foreign country" has been added so that India can enter into an agreement with any country for the extradition of the offenders who have escaped from this country after committing the crime so that such offenders can be brought back and those people who have committed crime in other countries and come over to this country can also be handed over to that country. This is a reciprocal agreement between countries for the purpose of containing terrorism and also to identify the offenders and hand them over to the respective countries.

We know pretty well that terrorism has assumed alarming proportions not only in the Northern States but in the Southern States also. Therefore, the present Government headed by our Prime Minister, Shri Narasimha Rao, took steps initially to enter into an agreement with Great Britain. It was a very novel thing for the simple reason that some of the terrorist organisations, whether it is the Punjab terrorists or the J&K terrorists or the LTTE militants, they were keeping London as their base for the purpose of committing offences in India and then escaping to that country. They are keeping England as a network for the purpose of getting information.

The hon. Home Minister visited that country and the British Minister concerned came over here and after prolonged negotiations, an extradition treaty was signed which was approved by the Parliament. Great Britain had signed an extradition treaty with the United States, After the United States, to our pride, Great Britain signed an extradition treaty only with India.

The hon. Minister is fully aware of the fact that earlier people who were committing offences here have escaped to other countries seeking asylum. It is a fact well known to everybody. Now by entering into an extradition treaty with other countries the impact of the people escaping to other countries and asylum being given by those countries can be minimised.

The hon. Minister, Shri Bhatiaji had visited the United Arab Emirates. He had a detailed discussion with them. As far as Bombay bomb blasts where Memon brothers were involved are concerned, first they escaped to the UAE and then they proceeded to Pakistan. The information is that they are now in Pakistan. They were involved in killing people with RDX material. They had brought it to India clandestinely with the connivance of Pakistan and other countries. Negotiations have been started by the Minister for the purpose of entering into an agreement

[Sh. V. Narayanasamy]

with the UAE. I think they have asked for a copy of the draft treaty for entering into an agreement. They are very positive on that issue. Their point of view was, "Ours being a tourist country, we get thousands of people every day. Therefore, it will be very difficult for us to identify the Memon brothers." Therefore, they were not able to cooperate with us. By entering into a treaty with us, UAE is bound by the treaty and they have to identify the persons concerned and hand them over to our country As far as the LTTE is concerned, I would like to remind the hon. Minister that in this august House we had made a fervent appeal for extradition of Mr. Prabhakaran, the prime accused in the assassination of our great leader, Shri Rajiv Gandhi, from Sri Lanka. We had requested the hon. Home Minister that the Government of India should approach the Government of Sri Lanka for extradition of Mr. Prabhakaran to this country because it was proved by the material evidence available and also in the course of the trial that is going on in the assassination case of Rajivji that Prabhakaran, who is the prime accused, master-minded the assassination of our leader Shri Rajiv Gandhi. The Home Minister was pleased to accept two important things in this case. One is the banning of the LTTE which was announced by the Government in this House and also in the Lok Sabha. Secondly, as far as the extradition of Prabhakaran is concerned, the Home Minister gave an assurance in this House that the Government of India would write to the Sri Lankan Government and with their assistance, would take immediate steps for the extradition of Prabhakaran for his trial in the Rajivji assassination case. Even about a week back, I raised the issue in the House—hon. Member, Shri Subramanian Swamy also raised the issue—that when Shri Premadasa, the former Sri Lankan President, was there, he was not responding positively and now that a new Government has come, cooperation of Sri Lanka as far as India is concerned is positive and when it is a friendly country as far as India is concerned, this is the right time for the Government of India to approach them for the purpose of extradition of Prabhakaran. We do not know what proceedings have been initiated by the Government in this regard, after the assurance has been in this House that they are going to write to the Sri Lankan Government. The response of the Sri Lankan Government, in writing, is also not known. You are getting powers from this House for the purpose of entering into extradition treaties with various foreign countries. And, the extradition of Prabhakaran has already been committed to by the Home Minister in this House. It is on record. That being the case, I would like to know what steps you have taken and what the response of the Sri Lankan Government was. Not only that. When a new administration has come there, is there any change of mind in them? I ask this because the activities of the LTTE have now started in the southern parts of Tamil Nadu after a long gap. Some of them were also arrested recently by the Tamil Nadu Government. I would like to have the response of the Government on these aspects.

The Bill is a novel one. It will definitely help the Indian Government in tracking down the offenders who escape from this country. Terrorism is raising its ugly head in our country. When this Bill is passed, those who have got access to Pakistan and other neighbouring countries and who take asylum there, can be tackled with. The Government of India can very well take up the issue with these countries and bring those people back.

I would like to give a suggestion to the hon. Minister. Though Pakistan is not a friendly country of ours, the Government of India can try entering into such an agreement, treaty, with Pakistan also. I do not know what will be the response of the Pakistan Government because whatever facts and material we give them, Pakistan are not positive about them. When they say that Pakistan is aiding and abetting terrorism in India, Pakistan flatly denies it. They say that they are not doing anything against the interests of our country. When Pakistan say that outwardly, they are acting otherwise. I feel that the hon. Minister should approach the Government of Pakistan also for entering into a treaty so that the

people who immediately escape from this country, after committing offences—they go to Pakistan only—can be brought back. Pakistan says that India is a friendly country. I think, in spite of the ill-will borne by Pakistan towards our country, we can talk to them once again and try to enter into a treaty, agreement, with them. If that is achieved, I think terrorism in this country can be eliminated and this Bill will pave the way for tracking down, trying and punishing those who escape into neighbouring countries after committing offences. Therefore, I support the proposal brought by the hon. Minister and I support the Bill. I need the hon. Minister's response to the two important suggestions I made in this House.

SHRIMATI MIRA DAS (Orissa): Madam Vice-Chairman, first of all, the aim and object of this Bill is commendable and principally, the subject-matter of this Bill deserves appreciation. Madam, it is nigh time that we tried to remove all sorts of anomalies in this field. Through this Bill, we are trying to make the extradition treaty more effective. Our country has entered into treaties with so many other countries. At the moment, I am not going into that aspect. But I am very much concerned about those countries where anti-social elements and terrorists are seeking refuge after committing heinous crimes in India. They commit crime in India and after committing a crime, escape into the other country. For that purpose, this Bill is very important. What happened in Bombay in the recent past? Those terrorists who were involved in this episode and who had created all these problems, they simply left this country after committing the crime. Some of them have taken shelter in Pakistan and the Government of India is not in a position to take any action against them because we do not have an extradition treaty with Pakistan. We cannot force them to extradite those terrorists to India. Though Pakistan is a member of SAARC, we are not in a position to take any action. Even Memon brothers who were involved in the Bombay bomb blasts have entered Pakistan after committing this crime. Those countries which create problems for us, their nefarious designs, would be curbed to some extent through this Bill. But much depends on its implementation when it becomes a law. Unless the law is applied effectively, nothing is going to come out of this whole exercise. We have had so many treaties in the past with so many countries but they have not been implemented properly. This Bill, in fact, would help in creating a friendly atmosphere among the countries and India would be able to get the support of other countries in their campaign against terrorism. The previous speaker referred to the assassination of Shri Rajiv Gandhi. Madam, two years have passed but we have not been able to find out the culprits. I don't know whether it is slackness on the part of the Government of India or whether it is slackness on the part of anybody else.

The Government of India had approached the Government of Pakistan regarding the deportation of Memon brothers to India. The Government of Pakistan in turn had informed the Government of India that if the Government of India is in a position to find out Memon brothers in Pakistan, the Government of Pakistan will hand them over to us. How is it possible for us to enter Pakistan and then make a search for them? How can we go there? It is almost impossible.

In this respect, external pressure from other countries is also required. Merely passing this Bill and saying that we have got extradition treaty with other countries is not going to help us. There must be some external pressure. America is not supporting us at the moment. The American Government is not prepared to declare Pakistan as a terrorist country. They are continuously creating probelms for us. What is important is how to get the maximum benefit out of this Act and how to implement these treaties. Pressure from Government of India and our friendly relations with other countries will help us in this regard. Merely passing this Bill and making some amendments in the Bill is not going to help us. Political will and external pressure from other countries are also necessary. With these words, I appreciate the Bill and I support this Bill. I hope this Bill will help us to find out and eradicate the terrorist activities in the country. This

[Shrimati Mira Das]

Bill will also help in checking drug trafficking. However, I don't have full hope that we will be able to totally curb the terrorist activities in this country. But still I hope this Bill will do good to our country.

SHRI JOHN F. FERNANDES (Goa): Madam, I rise to support the Extradition (Amendment) Bill, 1993. With the culmination of the cold war we have seen that terrorism has taken the centre-stage in the global scene. It is not that India did not have any extradition treaty. India is a member of the Commonwealth. This particular club of nations, as you know, is defunct and teethless. We had passed an Extradition Act in 1962 but we had no protection under this Act. The Commonwealth countries were controlled by the Fugitive Offenders Act. We had seen that Great Britain itself was a heaven for the terrorists. Most of the Indian terrorists claimed political immunity and took shelter in Great Britian. We have the example of Angami Phizo, Naga Rebel who was given shelter by Great Britain. They themselves realised that terrorism was very much in vogue in Great Britain when the Irish terrorists struck and they came to know what would be the outcome of supporting terrorists in other parts of the world. I am happy to state here that India is one of the two countries, one of the non-European countries, who signed an extradtion treaty with Great Britain, the other country being USA. So, I am confident that the Government of India is very sincere to see that the legal process is gone into so that the fugitive criminals are brought to book. For the last five years we have seen that there are various attacks on our country. The main bases of the terrorists have been USA, Canada, Great Britian and some of the European countries. I am happy, again, after the bombing of the Air India flight from Canada, we have signed an extradition treaty with that country and talks are going on with the USA. We also know that our Home Minister has already signed a memorandum of understanding with Spain and the Russian Federation. The most modern terrorism is the terrorism mixed with drug-mafia. We have seen that there is a nexus between the smugglers and the drugmarketeers. And the best example is the blasts in Bombay on the 12th of March, 1993. This terrorism is so unpredictable that even the most powerful intelligence machineries could not preempt. We know the bombing of the World Trade Centre in New York on 26th February, 1993. The most powerful agencies of that country—they have the FBI and the CIA—have failed to preempt this attack. That they solved the mystery subsequently is a different matter. I think it goes to our credit that though we don't have any powerful machinery, we are able to establish the nexus in the Bombay blasts. Therefore, I feel that such a law is very much required for our country to see that criminals are brought to book, wherever they may be.

We have also seen the bomb blast at Madras. There was a bomb blast in the RSS headquarters in Madras. There were reports in the press that there was a possibility of the Dubai-based smuggler conniving with the LTTE terrorists. Here also, RDX explosive was used. Therefore, it is very pertinent for our Government to strengthen our laws, the laws relating to international treaties.

Madam, terrorism is not done only by the pressure groups. The main terrorism now is the terrorism perpetrated by foreign Governments, the State-sponsored terrorism. We have a very good example in our neighbourhood. Very recently, there were reports in the press that ISI had found the Indian borders very tight. It goes to the credit of our paramilitary forces. They have shifted their base to Kathmandu in Nepal. Here, the terrorists are trained, the subversive elements are trained, the spies are trained. Finding the borders open between these two friendly countries, Nepal and India, these terrorists are pushed into India.

Madam, we are members of various international fora—the United Nations, the Non-Aligned Movement, the Commonwealth and the SAARC. We have terrorist problem with our neighbours. We have the SAARC Convention. I would like the hon. Minister to respond specifically whether they would, by the treaty which we are about to pass, compel at least the seven member-countries of the SAARC Convention to see that they adhere to this treaty. It is very necessary that regional tensions

are avoided. If we avoid tensions among ourselves, within our region, it will be in the interest of all the member-States. The international law is passing change. There is an evolution. I don't think how far this treaty will stand. The hon. Minister has already mentioned in the Objects and Reasons of the Bill that there are Civil Law countries also. I don't know how far we are going to see that this law stands the test of international jurisprudence. Modern terrorism is totally unpredictable, as I have mentioned already. There are a lot of loopholes in this Bill. I want just to say in a nutshell. The hon. Minister has stated in this Bill that one good thing of this Bill is that political offence will not be taken as a defence. That is happy tidings for us. Then there is the question of terrorists claiming to be stateless. For example, the Memon brothers. When they ran away from our country, they surrendered the citizenship of our country and declared themselves stateless. I don't know whether any mechanism is provided in this Bill to bring such people to book because they say they are stateless, they have no State to which they belong. They are given shelter by countries which are inimical to us. We know that these Memon brothers are already in Pakistan. They have been given shelter either by Pakistan or by Afghanistan. I want to know whether any safeguard is provided in this Bill to meet such a situation. The hon. Minister has made a provision where two countries are involved. I think harsher punishment must be imposed when two countries are involved.

Madam, we see that in many countries, particularly in the Middle-East, the Islamic countries for notorious smugglers the punishment is death whereas in our country the penalty is only life imprisonment and it will not last for more than ten years. I would like to know from the honourable Minister whether he will see that harsher punishment is given to such criminals.

There is a provision in the Bill to the effect that fugitive criminals may be detained for sixty days unless there is a request from other country for extradition. If there is no request from the other country, what will be the fate of this fugitive criminal? Will the law allow giving political asylum to him? I think the Minister will have to clarify this point.

Again, Madam, the honourable Minister has said that we will sign this treaty with friendly countries. What about those countries which are inimical to our country? I want the Minister to clarify this point also

With these few words, Madam, I hope that the Minister will come back to this House with the necessary amendments suggested because this law alone will not give us enough teeth, strong teeth, to deal with these criminals who take away he lives of innocen ciizens.

With these words, I support this Bill.

SHRI SUKOMAL SEN (West Bengal): Madam, I rise to support this Bill. Of course, with regard to certain points, I would seek clarifications from the honourable Minister.

Madam, terrorism is not an Indian phenomenon only. It has become now a global phenomenon affecting many countries of the world and this Bill seeks to extend the scope of the Extradition Treaty and this is extremely necessary during this period. And if we can execute these treaties with as many friendly countries as possible, then it will be easier for us to get the other countries nab the terrorists and curb their activities. If we look at the country's conditions today and also of the countries abroad, we will find that terrorism is developing on different planes, on different ideologies. Terrorism is developing either for separation or separatism or for fundamentalism on the basis of religious beliefs or for drug trafficking and gun-running. So, terrorism is developing on different planes for different purposes. I have seen that for certain purposes, some people believe that terrorism is the only answer, that terrorism is the only course of action. This we are seeing in various parts of the world. Now, it is not merely a question of the Extradition Treaty to keep the terrorists detained. To fight the menace, it is also necessary that we have this arrangement with all the friendly countries. We cannot say that all the countries are friendly

[Sh. Sukomal Sen]

countries. There are some countries who want to put neighbours in trouble, who want to put their neighbours into difficulties. So, you cannot say that all countries are friendly countries. But there are friendly countries. Apart from this Extradition Treaty, I would like to draw the attention of the honourable Minister to one thing and that is that there should be a separate mechanism or some memorandum of understanding or some bilateral agreement under which there can be exchange of information about the operation of the terrorists in other countries and their hideouts and this would facilitate investigation. For this purpose, it is also necessary to help the investigating agency in a particular country. The other investigating agencies should also be given help. The Interpol is there and it is for a different purpose. But, when terrorism increases, if the investigating agencies of different countries co-operate with each other, then it is quite possible to detect their hideouts and nabbing them becomes easier. That part should also be considered by the honourable Minister. I do not know what the mechanism today is or whether the Extradition Treaty itself covers this aspect. It is quite possible that where the Extradition Treaty is not in existence, there also this type of mechanism can operate. Madam, we have seen that the Extradition Treaty has been approved by the House of Commons. It is a welcome development. It is not only the Commonwealth countries, but this Bill extends the scope to outside Commonwealth countries also. Outside the Commonwealth countries, there are many other countries which practically have become safe havens for terrorists, who operate not only from India but also from other countries, like, for example, the United States. The Punjab terrorists and the Kashmir terrorists have their hide-outs in the USA and Canada. They operate from there. But I do not know whether the Government of India have got any mechanism with these countries so that we can have help from these countries so as to nab the terrorists and to dismantle their hide-outs there so that these countries do not remain safe havens for terrorists. This is happening. As we have discussed earlier in this House, in West Germany, there are some training schools where the terrorists are trained on how to assassinate, how to blow up bridges, how to commit all sorts of sabotage. For that, in West Germany, they are running a number of schools. And it was reported that a number of terrorists from India also went there for getting training. They got training and came back. This type of existence of training institutions is not only an unfriendly act, but also an inimical act because the terrorists who get trained there do it not for any noble purposes for the benefit of humanity, but they do it for *mala fide* purpose to commit terrorism and sabotage in other countries. Madam, not only this. There are mercenaries who have become another danger. It is reported that now the ISI is trying to recruit mercenaries from all over the world and send them to Kashmir to create trouble there and to train the local terrorists and to help them to commit all sorts of sabotage. This type of danger is also there. I do not know whether this Extradition Treaty covers all these aspects of the menace of terrorism and how it operates.

Madam, there are not only crimes related to drug-trafficking or gun-running or separatism and religious fundamentalism on some ideological basis, but there are other economic offences also. There are also economic offenders who commit some crime in a country and then they take refuge in other countries. Or, they operate from other countries and do the harm in some other countries. So, there is this category of economic offenders also. I do not know whether they will come under the purview of this legislation. Possibly not.

Madam, when we discuss this Extradition Treaty, it is very relevant here to discuss about the Gulf countries. There was a news item in the newspapers that the Government of India is seeking extradition treaties with some Gulf countries also, and that some notes were exchanged. I do not know. I would like to know from the hon. Minister whether the Government is trying to have extradition treaties with the Gulf countries also because we find that, for example, the Memon brothers have actually played havoc in Bombay, and according to the reports, first they went to Dubai, then to Pakistan and then elsewhere. In the situation of rising com-

munalism, rising fundamentalism and rising communal scare, sometimes these Gulf countries can also act as safe havens for a particular type of terrorists who operate on communal basis, who operate on the basis of religious fundamentalism and fanaticism. I would like to know what the attitude is of the Government about the Gulf countries.

Madam, as I have said about the economic offenders, they are of different categories. There are some big business houses, industrial houses. They operate in such a manner that they are a nuisance to the countries to which they belong. They take bribes, they take part in pay-offs, they take part in commission business. Madam, recently, in the Bofors case, we have heard the names of the Hindujas, Win Chadha and Quattrochi. We demanded in this House that these people should be extradited so that they can be tried here. I don't know. This Bill definitely does not cover this aspect. What is the stand of the Government for economic offenders who do harm our country? They may be operating from other countries or they may be operating from here and when they sense a danger, they run away. What is the scope of this Bill to bring them to book and get them extradited? These are the points which I would like the Government to clarify while the Minister replies to the debate.

Here I may also like to have one more clarification. On page 5 of the Bill, clause 34C says that if any offence is committed in some other country by an Indian terrorist and in that country there is no provision for awarding death penalty for that particular offence but in India, there is death penalty for that offence, death penalty will not be awarded after his extradition but life imprisonment will be given. But when an offender deserves death penalty, though this punishment may not be awarded in that country from where he commits the offence, I do not know why after his extradition only a lesser penalty should be awarded. I would be glad if the hon. Minister clarifies this point.

श्री दिग्विजय सिंह (बिहार) : उपसभाध्यक्ष महोदय, आज जो एक्स्ट्राडिशन के बारे में इस सदन में चर्चा हम सारे लोग कर रहे हैं, यह अंतर्राष्ट्रीय कानून का एक प्रावधान सारी दुनिया में है और जहां एक ओर इस कानून का इस्तेमाल सरकार राज्य के नियम को बनाने के लिए, चलाने के लिए करती है, वहीं दूसरी ओर इस कानून की धार का असर तभी हो पाता है जब हम अपनी कूटनीति के माध्यम से दूसरे देशों के ऊपर दबाव डाल सकें तभी इसका कोई नतीजा निकल पाता है। मैं नहीं समझता कि इस एक्स्ट्राडिशन कानून के तहत जो चुनौती सरकार के सामने है, उसको सरकार समझ पाई है या नहीं समझ पाई है। माननीय विदेश राज्य मंत्री जी यहाँ बैठे हुए हैं, दुनिया में भारत ने आज जिस मुकाबले को, जिस चुनौती को आने वाले समय में स्वीकार करना है, वह एक गंभीर चुनौती है और एक्स्ट्राडिशन का यह हथियार जो आप इस्तेमाल करना चाहते हैं, वह एक उपयोगी हथियार तो होगा, लेकिन साथ ही साथ आपके मंत्रालय की जिम्मेवारी आज ज्यादा मुझे दिखाई देती है। जब एक ओर सारी दुनिया एक ताकत के समक्ष घुटने टेक रही है, जब सारी दुनिया में एक राज्य चल रहा है, उस्ताद एक बना हुआ है, उसके विषय अलग-अलग हैं, वैसी हालत में महज इस एक्स्ट्राडिशन कानून से ही आप अपनी उपलब्धि को पा पाएंगे या नहीं, यह आपको समझने की ज्यादा जरूरत है। अभी सुकोमल साहब अपने बयान में सारी घटनाओं का जिक्र कर रहे थे कि दुनिया में कौन सी जगहें हैं जहां पर हमारे खिलाफ साजिश के, सडयंत्र के तमाम स्कूल खुले हुए हैं, जहां से परेशानियां हमारे लिए बढ़ती जा रही हैं। मैं विदेश मंत्री जी का ध्यान इस ओर खींचना चाहूंगा, पता नहीं उनके मंत्रालय को इसकी जानकारी है या

[श्री दिग्विजय सिंह]

नहीं है, जो भारत के लिए सबसे गंभीर चुनौती आने वाले दिनों में एक्स्ट्राडिशन के सवाल पर होने वाली है। उपसभाध्यक्ष महोदया, दुनिया में ऐसा मुझे लगता है, मैं एक शक्ति का जिक्र कर रहा था, वह शक्ति अपना इस्तेमाल अपने प्रभुत्व को बनाए रखने के लिए अपनी ताकत को बनाए रखने के लिए उन देशों का समर्थन भी अपने साथ लेना चाहती है जिनके माध्यम से उनका वर्चस्व बना रहे और यही कारण है, उपसभाध्यक्ष महोदया, कि आज जो पश्चिम की ये ताकतें हैं, जहां से हमें सबसे ज्यादा खतरा दिखाई देता है, जहां हमारी एक्स्ट्राडिशन ट्रीटी का महत्व, मापने ज्यादा बढ़ते नजर आ रहे हैं, उन देशों की जो अगुवाई करने वाले देश हैं, उनको लगता है कि दुनिया में अब उनकी लड़ाई एक चीज से होने वाली है।

मुझे बार-बार इस बात का खतरा नजर आता है कि कहीं भारत को उस लड़ाई का औजार इन देशों के द्वारा न बनाया जाए और जो माहौल इस देश में बन रहा है, शायद वह इस बात में सहायक होगा। मैं समझता हूं कि विदेश मंत्री जी हमारा इशारा समझ चुके होंगे। आज अमरीका को और पश्चिम के देशों को, साम्राज्यवादी देशों को दुनिया में अगर किसी चीज से खतरा है तो वह है इस्लाम। उनको लगता है कि अगर उनको चुनौती कहीं से मिलने वाली है तो वह इस चीज से मिलने वाली है चाहे वह सद्दाम हुसैन के नाम से मिले या गद्दाफी के नाम से मिले। उनको इनकी ओर से सामूहिक चुनौती मिलने वाली है। उनके विदेश मंत्रालय के लोग पिछले 4-5 वर्ष से लगातार परेशान हैं इसका हल ढूंढने के लिए। इसलिए मुझको लगता है कि कहीं भारत को इस लड़ाई में मोहरा न बनाया जाए और हम पर दबाव न डाला जाए। यह खतरा सबसे ज्यादा है।

इसलिए जहां आप ये बिल ला रहे हैं वहां दूसरी ओर आपको इस बात से सावधान रहने की जरूरत है। मैं यह सिर्फ इसलिए कह रहा हूं कि आने वाला यह वर्ष चुनौती का वर्ष होगा। इसलिए मैं चाहूंगा कि इस बिल का इस्तेमाल जहां एक ओर आप अपने कानून को मजबूत करने के लिए करें वहां दूसरी ओर अपनी कूटनीति की धार को भी पैना करें। दुर्भाग्य से पिछले कुछ समय से उस धार में पैनापन नजर नहीं आ रहा है। मैं चाहूंगा कि उस धार को तेज करने का प्रयास किया जाए।

इस पर बहुत ज्यादा कहने की जरूरत नहीं है लेकिन मैं एक-दो बातें अवश्य विदेश मंत्री जी से कहना चाहूंगा कि इस देश में एक ही मंत्रालय आज भी ऐसा बचा हुआ है कि चाहे कोई सरकार आए या जाए, वह अपने तरीके से लगातार चल रहा है और शायद वह राष्ट्रीय नीति का सही प्रतिबिंब है। वैसे भी विदेश नीति पर बहुत कम बहस की गुंजाइश रहती है। इसलिए मैं विदेश मंत्री जी से कहूंगा कि आप कुछ पढ़े-लिखे लोगों की बहस कराएं कि इस पर क्या सोच आपके मंत्रालय में बन रहा है। मुझे मालूम नहीं कि अभी तक कोई सोच बन पाया है या नहीं। यह एक बहुत बड़ा सवाल है। यही मैं आपसे अर्ज करना चाहता था। धन्यवाद।

श्री चतुरानन मिश्रा (बिहार) : उपसभाध्यक्ष महोदया, मैं भी अन्य माननीय सदस्यों की तरह इस बिल के पक्ष में हूं। मेरे सामने एक-दो सवाल हैं जिनकी मैं चर्चा करना चाहूंगा। पहली बात तो यह है कि हमारा देश जो अभी तक

किसी के खिलाफ टैररिज्म का इस्तेमाल नहीं करता रहा है शांतिपूर्ण रहा है, आज उसी देश पर टैररिज्म का बहुत बड़ा खतरा पैदा हो गया है और आपने जो ये ट्रीटी का रास्ता अख्तियार किया है, यह तो अच्छा है लेकिन मैं समझता हूं कि इसके लिए उचित प्रेपरेशन, उचित तैयारी अपने देश में नहीं है। मैं क्यों इसकी चर्चा कर रहा हूं? यह ट्रीटी जो होती है उसका क्लैश होता है। पोलिटिकल असाईलम की विभिन्न देशों में क्या स्थिति है, हम इस पर विचार नहीं करते। कुछ देश ऐसे भी हैं जो अन्य कारणों से हमसे नाराज हैं। विभिन्न कारण हो सकते हैं, मैं उनमें जाना नहीं चाहता।

जब पहले-पहल सिख टैररिज्म शुरू हुआ, बहुत से देशों में उनको शैल्टर मिलने लगा, जब कि वह भारत के खिलाफ काम कर रहे थे तो आपने ब्रिटेन से और कनाडा से कुछ समझौता किया। अमरीका से तो अभी उस पर कुछ हुआ नहीं है। उसी तरह कश्मीर के सवाल को लेकर हुआ। अभी एक तीसरी बात हुई है जिसकी चर्चा माननीय सदस्यों ने की और वह है मैमन ब्रदर्स के बारे में। उसमें हमारे बीजेपी के भाई नाराज नहीं होंगे। अगर हम लोग उनकी बाबरी मस्जिद तोडेंगे, यदि पोलिटिकल असाइलम क्रिएट करेंगे तो काफी मुसलमान देशों में उसको समर्थन मिलेगा वह कहेंगे भारत एक ऐसा देश है जो दूसरे धर्म के लोगों को सताता है इसलिए उस धर्म के मानने वाले देशों को उसकी सुरक्षा करनी चाहिए। मैमन ब्रदर्स को यह सुरक्षा भी प्राप्त होगी। जब आप हिन्दू-हिन्दू कह कर असुरक्षा पैदा करते हैं तो दूसरों को भी अधिकार है ऐसा करने का, फिर चिल्लाने की बात आपकी बेकार हैं। इसलिए इस पहलु पर गौर करना चाहिए। हमारी बात सुनेंगे हमारी बीजेपी के भाई इसलिए नहीं कह रहा हूं। मैं यह कहना चाहता हूं कि आपने एक नया डाइमेंशन इसका खोल दिया है जिससे और भी संकटपूर्ण हालत में भारत पहुंच गया है। दूसरी बात यह है कि अफगानिस्तान की घटना घटी। वहां अमेरिका वालों ने दूसरे तमाम देशों से क्रिमिनल्स को जेल से रिहा करवा कर उनको आधुनिक हथियारों से ट्रेनिंग देकर कम्युनिस्टों के खिलाफ जेहाद करने के लिए अफगानिस्तान भेज दिया था। अब तो सोवियत संघ टूट गया और अफगानिस्तान पहले छूट गया। अब वे लोग हथियार लेकर आपके ही देश में आ रहे हैं। उस दिन आपको बहुत अच्छा लगता था कि कम्युनिस्टों को मारने के लिए जा रहे हैं और अब जब वे गोली आपके ऊपर लगा रहे हैं, कैसी चोट है यह आप समझ सकते हैं। लेकिन अभीतक विश्व में भारत यह वातावरण नहीं बना पाया है। अमेरिका ने जो अपराधकर्मियों की ट्रेनिंग का गेंग बनाया वही आपरेट कर रहे हैं, यह ह्यूमन राइट्स के खिलाफ है और यह आतंकवाद के लिए मदद देने वाली चीज है, यह वातावरण हमारा विदेश मंत्रालय अभीतक नहीं बना गया है। मैं कहना चाहूंगा कि दुनिया में टेरोरिज्म के खिलाफ एक अच्छा वातावरण हो, यह लोग चाहते हैं। सभी वही नहीं चाहते हैं जो व्हाइट हाउस में होता है। वही दुनिया के लोग नहीं चाहते हैं। आज की दुनिया में पब्लिक ओपिनियन एक बड़ा हथियार बन गया है और इसका इस्तेमाल आप इसके अंदर कर सकते हैं। तीसरी बात यह है कि आप लोग और हम लोग राजनीति में रहते हैं यह बताइये कि जो लोग बहुत क्रिमिनल हैं उसका क्या इंतजाम करेंगे। मैमन ब्रदर्स पकड़ेंगे

[श्री चतुरानन मिश्रा]

और किसी एक्स्ट्राडिशन में पकड़ेंगे तो उसके पहले तो आप देश में उसकी क्रिमिनल हिस्ट्री बना कर रखेंगे तब ही होगा। लेकिन अंडरवर्ल्ड के साथ माननीय सदस्यों का गहरा संबंध है इसलिए कोई भी उनकी हिस्ट्री शीट बनने नहीं देते। अगर एक्स्ट्राडिशन करायेंगे, सडनली कोई केस लेकर जायेगा और सुनने वाला कोई नहीं होगा तो राजनीतिकरण हो जाता है। अपने यहां राजनीति में जो क्रिमिनलाइजेशन है उसको तोड़ना है वह हम नहीं समझते हमारी सरकार करने वाली है क्योंकि कम्युनलिज्म आफ पालिटिक्स बहुत हदतक चली गई है। मैं इस सिलसिले में आप से कहना चाहता हूं। एक स्लिप भी आपको लिख कर दी। जो आफेंसेज है, these offences are not regarded to be offences of a political character. इसमें जो नशीली पदार्थों का अन्तर्राष्ट्रीय व्यापार, गैर कानूनी व्यापार होता है इसमें जुडा हुआ नहीं है। मेरी समझ में नहीं आया। क्योंकि जो ड्रग्स का नजायज व्यापार है सारी दुनिया में उसका आतंकवाद से गहरा संबंध है। इनके पास बहुत बड़ी फाइनेन्शियल शक्ति है। अमेरिका इसका मुकाबला नहीं कर पा रहा। अमेरिका के अंदर यह कहा जाता है कि जितने क्राइम्स अमेरिका में होते हैं उसके लिए वहां के प्रेजीडेंट ने एक कमीशन सैटअप किया। उसने कहा 45 per cent of the crimes in USA are related to drug trafficking. हमारे देश के लोग वही करते हैं। विदेशों से हथियार मंगाते हैं, वही हत्याएं रचते हैं इस देश के अंदर। इसलिए हम को समझ नहीं आया कि इसमें आपने क्यों नहीं रखा। क्या सरकार को आमदनी है? क्या मामला है? मैंने आपसे चर्चा की। इसमें स्मगलिंग भी है। (**समय घंटी**) महिलाओं के बारे में कह रहा हूँ आपको भी हमदर्दी होगी। इसलिए दो-तीन मिनट और दे दीजिए। नेपाल वाले हम पर शिकायत करते हैं कि वहां से बहुत सी महिलाएं और लड़कियों को लाकर यहां अनैतिक व्यापार कराते हैं।

श्री संघ प्रिय गौतम (उत्तर प्रदेश): आज भी छपा है कि कलकत्ता में ऐसा हुआ है।

आज ही छपा है कि कलकत्ता में 6 हजार नेपाली व दार्जिलिंग की लड़कियां रैड लाइट एरिया में गलत धंधे में लगी हैं। (**व्यवधान**)

श्री चतुरानन मिश्रा: उन लोगों से हमारा कोई संबंध नहीं है, इसलिए.. (**व्यवधान**)...

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज): आप उनकी ओर मुखातिब न हों और आप व्यवधान मत डालिये।

श्री चतुरानन मिश्रा: उनके पास रिकार्ड रहता है।

उपसभाध्यक्ष (**श्रीमती सुषमा स्वराज**) आप बोलिये और समाप्ति की ओर बढ़िये।

श्री चतुरानन मिश्रा: अगर आप इस बारे में कुछ नहीं करते तो वहां के लोगों के साथ संबंध खराब होते हैं और दूसरा दुनिया में आप क्या मुंह दिखलायेंगे? अगर आप ऐसा काम करते हैं तो दूसरों को मना करने का कोई रास्ता नहीं रहेगा।

दूसरा मसला है, उसका बहुत कुछ हल तो हुआ है लेकिन हमारी तरफ से नहीं हुआ है और वह है कि नार्थ-ईस्ट में जो बार्डर है – वैसे तो भारत के तमाम जगहों पर बार्डर है – वहां आना-जाना फ्री है। यह एक अच्छी बात हुई कि हमारी सरकार ने चीन वालों के साथ अच्छे संबंध कर लिये। इसीलिये

वहां पर जो ट्रेनिंग होते थे, कम्युनिस्ट बनाकर हमारे देश में बगावत करने के लिये, उसको तो उन्होने रोक दिया, लेकिन अराकान ब्यल्ट पर ऐसे काफी बड़े गिरोह हैं और उनका आना-जाना हमारे यहां लगा हुआ है। अराकान ब्यल्ट में नक्शीले पदार्थों की खेती भी बहुत ज्यादा होती है। जैसे अफगानिस्तान सेंटर है ड्रग्स का वैसे ही यह एक दूसरा सेंटर है और इन सब को रास्ता जो देता है, वह शांतिमय भारत देश उनको रास्ता देता है। इसलिये इस दोष से अगर बचेंगे नहीं तो यह अप्रतिष्ठता आपके ऊपर आ रही है। इसीलिये मैंने कहा कि इसको करिये।

इसी तरह से श्रीलंका के बारे में प्रश्न उठ चुका है। माननीय सदस्य नारायणसामी जी ने इस बारे में प्रश्न उठाया। लेकिन मैं कहना चाहूंगा कि यहां भी यही बात उठायी जाती है कि इस देश में हमने श्रीलंका के खिलाफ तमिल आंदोलन का समर्थन करने के लिये उनको हथियारों की ट्रेनिंग दी और उस पाप की सजा हमको भुगतनी पड़ रही है। इसलिए अपनी विदेश नीति में इसके बात का भी ध्यान रखिये।

मैं निचोड़ में यह कहना चाहता हूं कि यह बिल स्वागत योग्य है लेकिन इसकी तैयारी जो है वह बिल्कुल अधूरी है। यह केवल आपके विभाग का ही काम नहीं है, पूरी भारत सरकार को मुस्तैदी से इसको करना पड़ेगा, यह मैं अनुरोध करूंगा। इन शब्दों के साथ मैं एक बार फिर इस बिल का समर्थन करता हूं।

श्री मोहम्मद खलीलुर रहमान (आंध्र प्रदेश) : मैडम वाइस-चेयरमैन साहिबा, यह जो एक्स्ट्राडिशन आमेंडमेंड बिल लाया गया है, मैं इसकी ताईद करता हूं। इस बिल के जरिये इंटरनेशनल आफेंसेज जो है उसमें हमारी हुकूमत को सहूलियत मिलेगी और ऐसे मुलजमीन जो किसी न किसी तरह से आफेंस करके भाग जाते हैं, उनकी गिरफ्तारी के ताल्लुक से आज एक प्राबलम हमारी इंडियन गवर्नमेंट को होती है। इस बिल के बाद से यह प्राबलम कुछ हद तक कम हो जायेगी और उन लोगों को गिरफ्तार करके या तो वहीं पर या यहां पर लाकर ट्रायल के बाद उनको बाजाफ्ता कैदी कैफरे किरदार तक उनको सजा दिलवाने में, मैं समझता हूं कि काफी हद तक मदद होगी। इससे हटकर, जैसा अभी कहा गया कि टैरोरिज्म और ड्रग्स ट्रैफिकिंग ये दो इंटरनेशनल बर्निंग टौपिक्स बने हुए हैं और टैरोरिज्म तकरीबन सारी दुनिया के लिये खतरा बनता हुआ है। इसलिये कोशिश इस बात की की जानी चाहिये कि टैरोरिज्म हमेशा के लिये खत्म हो जाय। जहां तक ड्रग्स ट्रैफिकिंग का सवाल है, यह भी एक इंटरनेशनल टौपिक बना हुआ है और तकरीबन हम शुल्क इस ड्रग्स ट्रैफिकिंग से बड़ा मुत्तासिर है। मैं आनरेबल मिनिस्टर से यह जानना चाहूंगा, मैं तवक्को करूंगा कि जब आनरेबल मिनिस्टर जवाब दें तो इसमें इस बात का जिक्र करें कि क्या टैरोरिज्म और ड्रग ट्रैफिकिंग को भी इसमें कवर किया गया है या नहीं? इस बिल को पढ़ने से कोई बात साफ नहीं हो रही है। मैं जानना चाहता हूं कि क्या इसके तहत, जो भी आफेंस है, क्या इसमें वे कवर है या नहीं है। यही चंद शकूक और शुभायात मेरे जेहन में थे और मैं आपके तवस्सुक से इनको मिनिस्टर साहब के सामने रख रहा हूं और मेरी तवक्को है कि मिनिस्टर साहब इसका जवाब दें।

[श्री मोहम्मद खलीबुर रहमान]

†[ڈاکٹر محمد خلیل الرحمٰن "آندھرا پردیش": میڈم وائس چیرمین صاحبہ یہ جو ایکسٹراڈیشن امنڈمنٹ بل لایا گیا ہے میں اس کی تائید کرتا ہوں۔ اس بل کے ذریعہ انٹرنیشنل آفینسز جو ہیں اس میں ہماری حکومت کو سہولیت ملے گی اور ایسے ملزمین جو کسی نہ کسی طرح سے آفینس کر کے بھاگ جاتے ہیں۔ ان کی گرفتاری کے تعلق سے آج ایک پرابلم ہماری انڈین گورنمنٹ کو ہوتی ہے۔ اس بل کے بعد سے یہ پرابلم کچھ حد تک کم ہو جائے گی اور ان لوگوں کو گرفتار کر کے یا تو وہیں پر یا یہاں پر لا کر ٹرائل کے بعد ان کو باضابطہ قیدی کیفر کردار تک ان کو سزا دلوانے میں۔ میں سمجھتا ہوں کہ کافی حد تک مدد ہوگی اس سے ہٹ کر جیسا ابھی کہا گیا ہے کہ ٹیرورزم اور ڈرگس ٹریفیکنگ یہ دو انٹرنیشنل برننگ ٹاپکس بنے ہوئے ہیں۔ اور ٹیرارزم تقریباً ساری دنیا کے لیے خطرہ بنا ہوا ہے اس لیے کوشش اس بات کی جانی چاہیے کہ ٹیرورزم ہمیشہ ہمیشہ کے لیے ختم ہو جائے۔ جہاں تک ڈرگ ٹریفکنگ کا سوال ہے یہ بھی ایک انٹرنیشنل ٹاپک بنا ہوا ہے اور تقریباً ہر ملک اس ڈرگس ٹریفکنگ سے بڑا متاثر ہے۔ میں آنریبل منسٹر سے یہ جاننا چاہوں گا۔ میں توقع کروں گا کہ جب آنریبل منسٹر صاحب جواب دیں تو اس میں اس بات کا ذکر کریں کہ کیا ٹیرورزم اور ڈرگ ٹریفیکنگ کو بھی اس میں کور کیا گیا ہے یا نہیں۔ اس بل کو پڑھنے سے کوئی بات صاف نہیں ہو رہی ہے میں جاننا چاہتا ہوں کہ کیا اس کے تحت جو بھی آفینس ہیں کیا اس میں وہ کور ہیں یا نہیں ہیں۔ یہی چند شکوک اور شبہات میرے ذہن میں تھے اور میں آپ کے توسط سے ان کو منسٹر صاحب کے سامنے رکھ رہا ہوں اور میری توقع ہے کہ منسٹر صاحب اس کا جواب دیں۔]

PROF. SAURIN BHATTACHARYA (West Bengal): Madam Vice-Chairman, I think this is a piece of legislation to which there would not be much objection, but the question is whether it is all comprehensive or it will be able to serve the purpose for which it has been brought. To me there seem to be certain what I may call, "anomalies." On the first page itself with "criminals" is being added "and to provide for matters connected therewith or incidental thereto". Much has been made of terrorism and other things, but here the Government has thought it fit to steer clear of its definition. It has been kept under "criminals and to provide for matters connected therewith".

Terrorism may be a criminal act or may not be a criminal act. The Hon. Member, Shri Sukomal Sen, tried to make the point from current affairs. I say from our own history, during the British days Bhagat Singh, Sukhdev, Rajguru, Jatin Sanyal and others were castigated as terrorists by the British empire, but in our eyes even now they are heroes, national heroes. We adore them even now since they carried forward our struggle for independence.

Now, after a long time, inspite of some of our protests, India has diplomatic relations with Israel. Israel is very firm on counter-terrorist activities. It invaded other countries also to give punishment

† *Transliteration in Arabic Script.*

for terrorist activities. But, in our eyes, those who are fighting the Israel Government in Lebanon or on the west Bank of Jordan River or on the Ghaza Strip or elsewhere, are not to be treated the way they are treated by Israel. What do we do if Israel offers an extradition treaty demanding that such people, such terrorists should be handed over to it as they are nothing but criminals?

A mere Extradition Act does not complete the process of extradition. It is a long-drawn process in the court, and an exception is there almost everywhere—and in our Act also it is there—that for political offences this treaty won't apply.

What is the demarcating line between political actions and terrorist actions? Now-a-days we are very allergic to these acts being committed at the instigation of Pakistan in Kashmir and other places in India. There are terrorist activities in the North-Eastern part of the country. They are really there in other parts of the country also, but they are largely an internal affair of our own country. The extradition problem perhaps came particularly in relation to the terrorists in Punjab, whose supporters were spread all over the world. There is another point in this amendment Bill, which also seems to be a bit incongruous, may be because of my lack of close acquaintance to the legal verbiage. Here at page 2, Clause 4(f) it says :

> "fugitive criminal" means a person who is accused or convicted of an extradition offence within the jurisdiction of a foreign State..."

So far so good. Fugitive really means a person who has taken shelter in foreign countries. Therefore it states :

> "includes a person, who, while in India, conspires, attempts to commit or incite or participate as an accomplice etc..."

When he is doing it in India, he is an offender, but not a fugitive. Therefore, it cannot at the same time include what is done in India. That is my submission. Perhaps the Minister will have a close look at it.

SHRI JAGMOHAN (Nominated): I do not want to repeat what has been said, but there are three points which I would like to place before the hon. Minister.

One is that this Bill is a welcome piece of legislation and I support it, but it does not take sufficient care of the environment that is created in favour of terrorism in certain countries. I have before me an example of Lt. Gen. Hamid Gull, who has openly propagated the constitution of International Mujahideen Force, the very objective of which is to spread terrorism in other countries, the countries which according to them do not see eye to eye with their objective. So, what do we do in the law as well as in the international forum? There should be some mechanism to deal with this type of thing, because all crimes are born out of an environment. You may deal with individual crime, but unless we deal with the enviroment which creates crime, we will not be able to solve this problem.

The second thing which I want to mention is that India must take it up vigorously at the international forum, particularly where human rights are discussed. In the Vienna Declaration I find there has not been sufficient emphasis that it is one of the fundamental human rights to get protected from terrorist activities. So, anyone who is indulging in terrorist activity in any country, must be condemned by the international community that he is violating the human rights in the worst form. What is worse is that quite a number of organisations like the NGOs, which are recognised and are asked to participate in discussions are actually rationalising in terrorism. They are justifying terrorism. How do we or the international community give recognition to such NGOs?

The third point is this. Actually might is right in this international world. I am referring to the bombing of the Pan-American airplane by the Libyan suspects. Where was the extradition treaty between the USA and Libya? There was no treaty. Yet they wanted Britain and France to impose sanctions. USA asked for these suspects. They did not give. They put international sanctions on it. Why can't we also suggest at the international community that they should have this type of rule and attitude for all? If anyone is doing a wrong thing in India, similarly you should impose sanctions there also. There is substantial evidence according to their own record. For shortage of time I

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would not like to go into it, but the American records themselves say how much of terrorism has been sponsored by the I.S.I. There is a book which has come out very recently. I would suggest to the hon. Minister to go through it. That is "Bear Trap". Brig. Yusuf who was of the ISI had indicated as to how they had organised terrorism on a massive scale and how they trained 85,000 Mujahideen men and sent them to Afghanistan and to the Russian territory and how various types of subversive activities were carried out trickstering and so on. All these things have been explained in that book. My point is that this is a type of activity which needs to be checked at the international level.

My fourth point is by way of clarification. We do not recognise that part of occupied Kashmir. In usual terms we call it as POK. Now that area has no international status. It belongs to India legally and constitutionally. But it is in the possession of somebodyelse. We do not have any treaty with anyone there. But which law would apply in that area? There was a specific case which took place.

A shop-keeper, Mr. Bakshi had murdered some people. During the course of the investigation it was found that the pistol and certain things which were supplied to him were linked to Mr. Amanulla Khan. At that time, Mr. Amanulla Khan was in the United States. We had issued a warrant immediately and asked for his extradition. He had shifted to POK. In POK which law would apply? Have we got the right to pick him up from that place because it is our own territory? So this is a legal aspect that needs to be examined in depth. These are the four or five points which I thought of placing before you. Thank you.

SHRI GOPALSINH G. SOLANKI (Gujarat): Madam Vice-Chairperson, the Extradition Act was enacted in the year 1962. It was amended in the year 1973. Thereafter it was not amended. The whole Act was neglected. In clause 13 on page 3, it has been stated, "In section 25 of the principal Act for the words "the code of Criminal Procedure 1898" the words "the Code of Criminal Procedure 1973" shall be substituted." From this it appears that the Government had neglected to amend this particular Act.

The word "extradition" came from the letter *ex tradere* which means forceful return of a person to his own sovereign country. This particular word is not new. It came first in the 18th century. Subsequently we found it in the history also.

This small amendment which the Minister has brought, I welcome it. So far as this treaty is concerned, it was effective only with the Commonwealth countries. Now it is going to apply to any foreign State. In clause 4 (b) it has been mentioned "extradition offence" means "in relation to a foreign State other than a treaty State an offence punishable with imprisonment for a term which shall not be less than one year .....". At the same time "fugitive criminal" also has been defined in the Bill. But the peculiar thing which I came across is in clause 17 which says:

> "For section 34 of the principal Act, the following sections shall be substituted namely:—
>
> "...34A. Where the Central Government is of the opinion that a fugitive criminal cannot be surrendered or returned pursuant to a request for extradition from a foreign State, it may, as it thinks fit, take steps to prosecute such fugitive criminal in India."

I would like to know from the Minister in what manner the Government is going to prosecute him. The issuance of the warrant is also going to be ineffective on the expiry of sixty days. And section 34B(2) reads, "A fugitive criminal arrested under sub-section (1) shall be discharged upon the expiration of sixty days from the date of his arrest, if no request for his surrender or return is received within the said period." Now, both are contradictory to each other. At the same time, the procedure, the manner in which it is going to be prosecuted, has also not been shown.

If this particular Bill, amendment, had been brought earlier, Quattrocchi could not have escaped. When he has already escaped, I would like to ask whether we

would be able to bring back to India the main criminal of the Bofors case. In Gujarat State itself there has been the case of Bhupat, a dacoit who, after committing several murders, escaped and took shelter in Pakistan. There is no limitation as to the time within which he could be prosecuted. He has changed his name too. The Government made frequent requests to bring him back, but was not in a position to bring him back. I would like to know whether such old criminals who had committed several murders and had escaped out of India could be brought back forcibly under this Act. Is the Government going to think of them? Last week, arms, ammunition and RDX were found in Gujarat and many people were arrested and they are directly connected with Dawood Ibrahim. The particular gang is also known to have connection with Mohammed Dhosa. Is the Government trying to bring them also back to India? With the passing of this Bill, I hope, there will be some reduction in criminal activities. But, at the same time, I would like to know whether the Government is thinking of amending the Terrorist Activities Act to bring back those men who are being trained as terrorists to indulge in terrorist activities in India, to prosecute them in India. I expect these questions to be replied to.

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R. L. BHATIA): Madam, first of all, I must thank all the Members who have participated in this debate and given valuable suggestions.

Mr. Narayanasamy—I think he is not present now—mentioned about Prabhakaran and wanted to know whether India had approached the Sri Lankan Government to bring him here and what the reaction of the Sri Lankan Government was to our approach. In this connection, I would like to say that for extradition of a person, there is a certain procedure which has to be adopted before we approach the other Government and that procedure is quite long. The same thing is applicable to what Mr. Solanki said about Ibrahim and to what some other friends said about Dawood and others. The main point I would like to bring to your notice is this. We have to have a verdict of the Court. Prabhakaran's case is being undertaken in a Special Court in Madras in camera and so far, the final verdict has not come to us. When the final verdict is before us, we will certainly approach the Sri Lankan Government as it has been assured by the hon. Home Minister earlier.

Similarly, Shrimati Mira Das said that the Bill should be made more effective and practical. That is why we are bringing this amendment so that we can have more effective treatment of those criminals. A point was also raised by some friends as well as Shrimati Mira Das that Pakistan is a member of SAARC and why it is that they are not cooperating with us. I would like to submit that except Bangladesh and Pakistan, all the SAARC countries have ratified that Act. But since Pakistan and Bangladesh have not ratified it, we are not in a position to ask them to extradite the people who are there. Shri John Fernandes said that murderers should also be brought back and he referred to the criminals involved in the bomb blasts at Bombay. Yes, Sir. The people who are responsible for the Bombay blasts, as we all know, have gone to Pakistan and the same difficulty is there, that there is no extradition treaty with Pakistan. Although we are trying that they may hand over those people to us, we have not been successful. Our Prime Minister also met the Prime Minister of Pakistan and they discussed this problem. He promised that he will help us in trying to locate those criminals but so far no action has been taken by Pakistan on that account.

Mr. Sukmol Sen asked whether we are trying to bring back those criminals who have gone to the Gulf countries. I think he was referring to Dawood Ibrahim and Win Chadha. Some of the hon. Members said that Mr. Win Chadha, the main culprit in the Bofors case, has not been brought back. First of all, I would like to inform the hon. Members that there is no extradition treaty between us and the UAE. They have their own Shariat law. Some time back, we approached them and they gave us a draft which was not acceptable to us. Now we have given our amended draft to them and the matter is under the consideration of the UAE Government and I hope when they accept

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our draft and treaty is done; then we would be in a position to force them to send all those criminals to us. At the present moment, it is the prerogative of that sovereign Government, whether they accede to our request or not. A point was also raised whether the Government of India had brought it to the notice of the USA that a number of terrorists were being trained in camps in that country. Yes, we approached that Government and at all levels, the matter was discussed and so far as our information goes, all those camps where terrorists were trained, have been closed.

Another point was raised by Shri Chaturanan Mishra regarding trade in narcotics. Sir, that is a common crime which is already covered in this law. But the present amendment is particularly for political people. It is for those people who commit a crime and run away to those countries. In order to nab them, this particular amendment is being sought. Otherwise,in the previous law, all these things are already there.

SHRI CHATURANAN MISHRA: My point was that they take political asylum and this is one of the reasons that they are doing all these things. We have not mentioned it. Somebody may be doing that and then taking advantage of the political asylum. That is why I mentioned it.

SHRI R. L. BHATIA: The present amendment Bill is sufficiently wide and broadbased and it will cover all those things. Sir, I think, I have replied to the questions raised by my friends.

With regard to Memon brothers, I was saying that they are in Pakistan. There is no treaty with Pakistan. So, it depends on Pakistan as to how they respond to our request and we will continue to put pressure on Pakistan to hand over Memon brothers to India. Similarly, so far as Ibrahim is concerned, we will continue to have talks with UAE. Our CBI has also approached their police as well as other authorities and we are trying to put pressure on them that they should hand over those people to us.

As I stated earlier, we have a SAARC treaty. Bangladesh and Pakistan have ratified that treaty. But they have not passed the Bills in their countries. They have not got that treaty ratified by their Parliaments. That is the clarification that I would like to add.

As I stated in my opening comments, the Extradition (Amendment) Bill, 1993 will enable Government of India to implement all its bilateral and multilateral treaty obligations. It will also provide the basis for concluding new extradition arrangements or treaties with States, taking due account of different legal systems that are prevalent in the world, with provisions suiting the interests of India and the countries concerned. While India has extradition treaties with about eight countries, we have also reciprocal arrangements with about nine countries. We contemplate concluding new extradition treaties or arrangements with other countries and negotiations are in progress with Germany and Hong Kong.

I have already explained the main objectives of the Bill. I must, however, emphasise that the proposed amendments and the new law of extradition would not in any way affect the traditional protection India gives to the fundamental rights and freedoms of the individual and its objective of promoting free and fair trial, ensuring good faith and reciprocity in processing extradition requests and other rights of the accused.

In conclusion, I would like to stress that the proposed amendments would go a long way in modernising the Indian Treaty Law and Practice, consistent with present trends at the international level, keeping in view the needs and interests of India and of the international community.

I thank all the Members who have cooperated with us and given us their suggestions. Thank you, Madam.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): The question is:

"That the Bill further to amend the Extradition Act, 1962, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): Now we shall take up clause-by-clause consideration of the Bill.

Clauses 2 to 18 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI R.L. BHATIA: Madam, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): Now we will take up the Madhya Pradesh Appropriation (No. 2) Bill, 1993; the Rajasthan Appropriation (No. 2) Bill, 1993; the Himachal Pradesh Appropriation (No. 2) Bill, 1993, and the Uttar Pradesh Appropriation (No. 2) Bill, 1993. All these Bills will be discussed together. Dr. Abrar Ahmed to move the motions for consideration of these Bills.

श्री चतुरानन मिश्र : मैं केवल इतना पूछना चाहता हूं कि कब तक हाउस चलेगा, यह बता दीजिये ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : जनरली 6 बजे तक बिजनैस एडवाइजरी कमेटी ने तय किया हुआ है ।

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): If necessary, beyond 6 O' clock.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : मैं कहने लगी थी, जनरली हमने 6 बजे तक के लिए तय किया है और साथ में यह तय किया है कि आवश्यकता होगी तो 6 बजे के बाद भी बैठेंगे । हाउस की सेन्स 6 बजे के बाद के लिए तो है ही ।

श्री चतुरानन मिश्र : सदन से पूछ लीजीये ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : बताइये सदन की क्या सम्मति है? मंत्री जी कल रिप्लाई देने की बात कर रहे हैं।

श्रीमती मारग्रेट आल्वा : आज पास कर दें... (व्यवधान)

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : आज पास होने का सवाल ही नहीं हैं। वह कल रिप्लाई देंगे। इसलिए तय कीजिये कि 6 बजे तक बैठेंगे या 6 बजे के बाद भी बैठेंगे।

श्री शंकर दयाल सिंह (बिहार) : 6 बजे तक बैठेंगे ।

श्री चतुरानन मिश्र : 6 बजे तक बैठेंगे ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : ठीक है हाउस 6 बजे तक चलेगा। मंत्री जी आप मोशन मूव करिये ।

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(1) THE UTTAR PRADESH APPROPRIATION (NO. 2) BILL, 1993.

(2) THE MADHYA PRADESH APPROPRIATION (NO. 2) BILL, 1993.

(3) THE RAJASTHAN APPROPRIATION (NO. 2) BILL, 1993.

(4) THE HIMACHAL PRADESH APPROPRIATION (NO. 2) BILL, 1993.

वित्त मंत्रालय में राज्य मंत्री और संसदीय कार्य मंत्रालय में राज्य मंत्री (डा० अबरार अहमद): महोदया, मैं प्रस्ताव करता हूं कि :

"वित्तीय वर्ष 1934-94 की सेवाओं के लिए हिमाचल प्रदेश राज्य